

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 1/13/22
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KAREEM MARTIN,

Petitioner,

-against-

UNITED STATES OF AMERICA,

Respondent.
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14-CR-546 (VEC)
22-CV-305 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS on December 13, 2021, Mr. Martin filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2255 and the appointment of an attorney, *see* Petition, 14-CR-546, Dkt. 702; and

WHEREAS the Court construes Mr. Martin's motion as a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2255;

WHEREAS on January 11, 2022, the Clerk of Court opened a civil case with docket number 22-CV-305 and Mr. Martin's habeas petition was docketed as docket entry 2;

WHEREAS Mr. Martin's petition is his second petition for a writ of habeas corpus, *see* 14-CR-546 Dkts. 621, 698; *see also* 19-CV-2706;

WHEREAS pursuant to 28 U.S.C. § 2255(h), a petitioner may only file a successive motion for habeas corpus relief upon certification by the U.S. Court of Appeals for the Second Circuit; and

WHEREAS it does not appear that Mr. Martin has moved for certification from the Second Circuit before filing his petition;

IT IS HEREBY ORDERED that Mr. Martin's petition for a writ of habeas corpus is STAYED. The Court treats Mr. Martin's application as a motion for certification under 28 U.S.C. § 2255(h). Because any motion for certification under 28 U.S.C. § 2255(h) must be presented to and decided by the Court of Appeals, the Clerk of Court is respectfully directed to refer this motion to the Clerk of Court of the U.S. Court of Appeals for the Second Circuit.


The Clerk is further directed to close the open motion at docket entry 702 in 14-CR-546. The Clerk is further directed to close the case 22-CV-305. If the Court of Appeals authorizes Mr. Martin to proceed in this matter, he shall move to reopen the civil case under docket number 22-CV-305.

As the motion makes no substantial showing of a denial of a constitutional right, a certificate of appealability will not issue. *See* 28 U.S.C. § 2253. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444–45 (1962).

The Clerk is further directed to mail a copy of this Order to Mr. Martin.

SO ORDERED.

Date: January 13, 2022
New York, NY



VALERIE CAPRONI
United States District Judge